

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RAYMON QUIROGA,

Plaintiff,

v.

Case No. 22-CV-390-SCD

OLDS PRODUCTS CO. OF ILLINOIS,

Defendant.

**ORDER GRANTING PLAINTIFF’S MOTION FOR VOLUNTARY DISMISSAL
PURSUANT TO FED. R. CIV. P. 41(a)(2)**

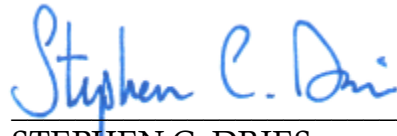
Raymon Quiroga alleges that his former employer, Olds Products Co. of Illinois, failed to pay him for all hours worked and at the proper rate, in violation of the Fair Labor Standards Act, 29 U.S.C. §§ 201–262, and Wisconsin’s wage payment and collection laws, Wis. Stat. §§ 103.001–103.97, 104.001–104.12, and 109.01–109.12. *See* ECF No. 1. Quiroga claims that these underpayments resulted from a policy or practice that affected many other hourly-paid, non-exempt employees at Olds’ production facility in Wisconsin. After the court denied his motion for class certification under Rule 23 of the Federal Rules of Civil Procedure, *see* ECF No. 54, Quiroga moved to voluntarily dismiss his FLSA claims with prejudice and his Wisconsin claims without prejudice, *see* ECF No. 63 (citing Fed. R. Civ. P. 41(a)(2)). Olds Products does not oppose the request for voluntary dismissal. *See* ECF No. 65.¹

Under Rule 41(a)(2), “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Quiroga seeks to abandon his federal

¹ The parties have consented to the jurisdiction of a magistrate judge under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73(b). *See* ECF Nos. 4 & 8.

claims while preserving his ability to pursue his state claims in state court. In *Royal Canin U.S.A., Inc. v. Wulfschleger*, the Supreme Court clarified “the plaintiff’s excision of her federal-law claims deprives the district court of its authority to decide the state-law claims remaining.” 220 L. Ed. 2d 289, 308 (2025). Accordingly, the court **GRANTS** the plaintiff’s motion for voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(2), ECF No. 63. The court **DISMISSES** the plaintiff’s claims under the Fair Labor Standards Act **with prejudice** and **DISMISSES** the plaintiff’s claims under Wisconsin’s wage payment and collection laws **without prejudice**.

SO ORDERED this 19th day of March, 2025.



STEPHEN C. DRIES

United States Magistrate Judge